



May 3, 2019

**Via Email: [63680-61152527@requests.muckrock.com](mailto:63680-61152527@requests.muckrock.com)**

Louise Matsakis  
MuckRock News  
DEPT MR 63680  
411A Highland Ave  
Somerville, MA 02144-2516

RE: FOIL Request #2305

Dear Ms. Matsakis

This letter responds to your correspondence dated November 13, 2018, which pursuant to FOIL, requested:

Any emails, written communications, documents, or other communications between officials from Governor Andrew Cuomo's office and officials from the corporation "Amazon." Specifically, I am searching for communications related to the development of Amazon's second headquarters, which is expected to be located in Queens, New York:

<https://www.nytimes.com/2018/11/05/technology/amazon-second-headquarters-split.html>

We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, and minutes of any meetings. The search should be limited to responsive records created between September 17, 2017 and the day the request is fulfilled.

Please be advised that a record responsive to your request is publically available at the following link:

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GAMC\\_Amazon\\_Letter.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GAMC_Amazon_Letter.pdf).

The remainder of your request is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be "reasonably described." In order for a request to be reasonably described the request should, to the extent practicable, include parameters, such as: the names or roles of custodians to be searched; the names of external parties; specific subject matter and/or search terms; and a reasonable and specific time period.

Please note that whether a request is reasonably described may be dependent upon the nature of an agency's filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See *Konigsberg v. Coughlin*, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government's FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that "a request for 'all' records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records." (COOG AO-18949 (Aug. 20, 2012)).

The Executive Chamber employs nearly 200 individuals and does not maintain records in a manner that allows all records sent and received by all employees on a given day to be readily accessed, segregated, and reviewed. The broad scope of your request does not sufficiently identify the types of records sought to enable the Executive Chamber to conduct a search and locate responsive records.

This denial is without prejudice to submit a new request that reasonably describes the records sought.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 122244.

Very truly yours,

A handwritten signature in black ink, appearing to read "Valerie Lubanko", written in a cursive style.

Valerie Lubanko  
FOIL Counsel  
Records Access Officer